

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT MERRIWEATHER,

Plaintiff,

No. 04-CV-71706-DT

vs.

Hon. Gerald E. Rosen

T.A. ZAMORA, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S
MAY 24, 2006 REPORT AND RECOMMENDATION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 21, 2006

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This *Bivens*-type civil rights action having come before the Court on the May 24, 2006 Report and Recommendation of U.S. Magistrate Judge R. Steven Whalen recommending that the Court grant, in part, and deny, in part, Defendants' motion for judgment on the pleadings [Dkt. # 37], and deny the motion with respect to Defendants' supplemental argument for judgment [Dkt. # 48]; and timely objections to the Magistrate Judge's R&R having been filed; and the Court having reviewed and considered the R&R and the objections thereto, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and

Recommendation of May 24, 2006 is adopted by the Court. Accordingly, for the reasons stated by the Magistrate Judge in his Report and Recommendation,

IT IS FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings is granted, in part, and denied, in part, as follows: Defendants' motion is granted with respect to Plaintiff's claims concerning Department of Justice and Court mail (Exhibits 1, 2, 4, 15, 16, 20, 23, 25, 29, 34, 37, 38, 40 and 41), but is denied with respect to Plaintiff's claims concerning attorney mail (Exhibits 3, 7, 8, 10, 11, 13, 14, 17, 18, 21, 22, 24, 27, 28, 33, 35 and 36).

IT IS FURTHER ORDERED that Defendants supplemental argument that Plaintiff did not exhaust his administrative remedies is denied.

SO ORDERED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 21, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 21, 2006, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager